IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 11TH OCTOBER 2007 / 19TH ASWINA 1929

WA.No. 2400 of 2007
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AGAINST THE ORDER IN WPC.17838/2007 DATED 02/07/2007
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APPELLANTS/RESPONDENTS IN WPC
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1. STATE OF KERALA ,
   REPRESENTED BY ITS CHIEF SECRETARY TO GOVERNMENT,
   SECRETARIAT, THIRUVANANTHAPURAM.

2. THE SECRETARY,
   FOREST DEPARTMENT,
   GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.

3. THE CONSERVATOR OF FORESTS,
   CIVIL STATION, KOLLAM, KOLLAM DISTRICT.

4. THE DIVISIONAL FOREST OFFICER,
   KONNI, PATHANAMTHITTA DISTRICT.

BY SR. GOVERNMENT PLEADER MR.D.ANILKUMAR

RESPONDENT/PETITIONER IN WPC

M/S.HARRISONS MALAYALAM LTD.,
BRISTOW ROAD,
WILLINGDON ISLAND, COCHIN,
REPRESENTED BY ITS CHIEF MANAGER- LEGAL,
MR.V.VENUGOPAL.

BY SR.ADVOCATE MR.L.NAGESWARA RAO

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 11/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

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W.A. No. 2400 of 2007

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Dated this the 11th October, 2007

J U D G M E N T

H.L. Dattu, C.J.:

This appeal is directed against the interim order passed by the learned single Judge in W.P.(C) No. 17838 of 2007 dated 02.07.2007.

2. Shri Nageshwara Rao, learned senior counsel appearing for the respondent-company, on instruction, would submit that, for the present, the respondent-company would not cut or remove any trees from the disputed lands in question.

3. In view of the undertaking given by the learned senior counsel, the appellants need not have any further apprehension. Therefore for the present we need not go into the merits or demerits of the appeal filed by the State. While disposing of this appeal, we give liberty to the respondent-company to make an appropriate application before the learned single Judge for an out of turn hearing . If and when such an application is filed, we request the learned single Judge to consider the same in accordance with law.

5. We also make it clear that any payments that is made by the

respondent-company is subject to the result of the Writ Petition.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

lk/DK.